

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

VINCENT THOMAS,

Petitioner,

v.

LAWRENCE P. MAHALLY, et al.,

Respondents.

CIVIL ACTION NO. 1:17-CV-00591

(CONNER, C.J.)
(MEHALCHICK, M.J.)

REPORT AND RECOMMENDATION

On April 4, 2017, the Court received and filed the instant petition for a writ of habeas corpus, signed and dated by the Petitioner Vincent Thomas on March 28, 2017. ([Doc. 1](#)). In his petition, which the Court has construed as being filed pursuant to [28 U.S.C. § 2254](#), Thomas challenges the June 9, 2016 decision by the Pennsylvania Board of Probation and Parole (“PBPP”) to deny him parole. ([Doc. 1](#), at 15). At all times relevant to this petition, Thomas has been incarcerated at SCI-Dallas, located in Luzerne County, Pennsylvania.

Upon receiving Thomas’s petition, this Court entered an Order on April 7, 2017 directing Thomas to elect whether to have his petition ruled on as filed under [§ 2254](#) and risk forfeiting any claims not presented in the current petition, or withdraw the petition so that he may file one all-inclusive [§ 2254](#) petition within the applicable statute of limitations. ([Doc. 4](#)). One week later, the Court received and filed a notice of election by Thomas in which he opted to withdraw the current petition so that he may later file an all-inclusive petition. ([Doc. 5](#)).

Given Thomas's election to withdraw his petition, it is therefore recommended that the petition ([Doc. 1](#)) be **DEEMED WITHDRAWN** and that the Clerk of Court be directed to **CLOSE** this case.

BY THE COURT:

Dated: April 19, 2017

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States Magistrate Judge

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NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing **Report and Recommendation** dated **April 19, 2017**. Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Dated: April 19, 2017

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States Magistrate Judge